

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF LOUIS) APPEAL NO. 07-A-2280
KREPCIK from the decision of the Board of) FINAL DECISION
Equalization of Twin Falls County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing January 14, 2008, in Twin Falls, Idaho before Board Member David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant, unable to appear at hearing, submitted information for the Board to consider. Assessor Gerald Bowden, Deputy Assessor Gary Beeson, Deputy Prosecutor Matt Pember, and Appraisers John Knapple and Andrew Hemphries appeared for Respondent Twin Falls County. This appeal is taken from a decision of the Twin Falls County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RPTT3121000012AA.

The issue on appeal is the market value of a residential property.

The decision of the Twin Falls County Board of Equalization is affirmed.

FINDINGS OF FACT

Parcel No. RPTT3121000012AA

The assessed land value is \$20,125, and the improvements' valuation is \$11,900, totaling \$32,025. Appellant requests the total value be reduced to \$21,900.

Subject is a .209 acre lot improved with a garage/shop building. The property is located in Twin Falls.

Appellant did not appear at hearing, however, submitted written information in support of subject's proposed value reduction. Specifically, Appellant referenced the October 2007 sale of a lot adjacent to subject for \$18,000. Appellant argued this sale indicated subject was over

valued.

Respondent explained subject's land was valued according to land tables developed by study of sales in the area. Though specifics concerning the sale properties examined were not provided, Respondent testified the tables were uniformly applied to all properties in the county, with adjustments made for location within the county.

Respondent agreed the adjacent lot referenced by Appellant was a comparable piece of property, and argued the sale price supported subject's land assessment. It was explained subject was valued a little higher because the adjacent lot was only .136 acres, whereas subject is .209 acres. Respondent further stated valuing the adjacent lot under the same land tables used to assess subject indicated a value of \$17,500. Because the property sold for \$18,000, Respondent contended the sale lends support to the accuracy of the land tables in subject's area.

Respondent valued the shop structure using the cost approach. The building was estimated to have been built in 1931, so a heavy depreciation factor was applied, as well as a local cost modifier to reflect construction costs in the area. The indicated value was \$11,890.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

For the purposes of taxation, Idaho law requires property be assessed at market value, as defined in Idaho Code § 63-201(10):

“Market value” means the amount of United States dollars or

equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Further, property must be valued on January 1 of the applicable tax year; January 1, 2007 in the present case. Idaho Code § 63-205.

Appellant relied on the October 2007 sale of a lot adjacent to subject. The parcel sold for \$18,000, which Appellant reasoned should be subject's land value. Because the property sold after the applicable lien date, it cannot be used to determine subject's value on January 1, 2007.

Respondent explained subject's land value was derived from land value tables developed from sales in the area. Respondent also used the adjacent lot sale referenced by Appellant as support for subject's value under the market (sales comparison) approach. As noted above, the sale cannot be considered in this case.

The shop structure was valued by Respondent under the cost approach. The cost to construct the building was estimated using computer software. After applying a local cost modifier to reflect building costs in subject's area, as well as a heavy depreciation factor due to the structure's age, the indicated value was \$11,900.

The Assessor's values are presumed correct and the burden lies with Appellant to show by a preponderance of the evidence the assessment is erroneous. *Board of County Comm'rs of Ada County v. Sears, Roebuck & Co.*, 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953). Appellant has not met that burden here. Appellant provided no value evidence concerning the shop structure. Also, because the October 2007 sale of a lot adjacent to subject cannot be used, Appellant is left with no value evidence for the Board to consider. No error was shown in Respondent's valuation of subject, so the decision of the Twin Falls County Board of Equalization

is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Twin Falls County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED April 30, 2008